

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TAMIKA McDONALD,

Plaintiff,

v.

PREMIER PARKING SERVICES, LLC,

Defendant.


NO. 3:18-cv-01395

ORDER

Before the Court is a Report and Recommendation (Doc. No. 22) in which Magistrate Judge Newbern recommends that Defendant's Motion to Dismiss (Doc. No. 17) for failure to prosecute should be denied, but certain warnings should be issued to Plaintiff. No objections have been timely filed. Nonetheless, the Court has conducted a *de novo* review of this matter and concurs with Magistrate Judge Newbern's analysis and conclusions. No party, *pro se* or otherwise has the right to avoid appearing for multiple timely, properly noticed depositions simply because she would prefer to be represented by an attorney.

The Report and Recommendation is **APPROVED AND ADOPTED**. The Motion to Dismiss is **DENIED** without prejudice. Plaintiff is hereby warned that failure to participate in a (third) noticed deposition may result in sanctions including fees and costs and dismissal of this action. The Magistrate Judge shall extend the discovery period to allow for Plaintiff's deposition.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE